

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

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*Counsel to the Amici Professors*

In Re:

**LTL MANAGEMENT, LLC,**

Debtor.

Chapter 11

Case No. 21-30589 (MBK)

Honorable Michael B. Kaplan

**DECLARATION OF AMICI PROFESSORS IN SUPPORT OF AMICUS BRIEF**

We, Professors Kenneth Ayotte (U.C. Berkeley School of Law), Susan Block-Lieb (Fordham University School of Law), Diane Dick (Seattle University School of Law), Jared Ellias (University of California, Hastings College of the Law), Bruce Markell (Pritzker School of Law, Northwestern University), Robert K. Rasmussen (U.S.C. Gould School of Law), and Yesha Yadav (Vanderbilt University Law School) (together, the “Amici Bankruptcy Professors”) respectfully submit this declaration (the “Declaration”) in support of our Amicus Brief (defined below) and hereby declare under penalty of perjury that, to the best of our knowledge, information, and belief, and after reasonable inquiry, the following is true and correct:

## **BACKGROUND**

1. On December 1, 2021, the Official Committee of Talc Claimants filed a motion to dismiss [ECF No. 632] (the “Motion to Dismiss”) the chapter 11 case of LTL Management, LLC (the “Debtor”).

2. On January 25, 2022, our counsel, Herrick, Feinstein LLP, filed our *Memorandum of Law in Support of Motion for Leave to File Brief of Amici Curiae by Certain Law Professors* [ECF No. 1265] (the “Motion for Leave”).

3. On February 2, 2022, the Debtor filed the *Debtor’s Objection to Motions for Leave to File Briefs of Amici Curiae* [ECF No. 1344] (the “Debtor’s Objection”).

4. On February 3, 2022, the Court held a contested hearing on the Motion for Leave (the “Hearing”) and granted the Motion for Leave over the Debtor’s Objection.<sup>1</sup>

5. On February 4, 2022, the Court entered the *Order Granting Motion for Leave to File Amici Curiae Brief* [ECF No. 1367] and our counsel filed the *Memorandum of Law of Amici Curiae by Certain Law Professors in Support of Motion of the Official Committee of Talc Claimants to Dismiss Debtor’s Chapter 11 Case* [ECF No. 1384] (the “Amicus Brief”).<sup>2</sup>

6. In the Debtor’s Objection, and during oral argument at the Hearing, the Debtor challenged our credibility. Although the Court overruled such challenges, the Court suggested that we could submit additional disclosures which may help the Court determine how much weight to

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<sup>1</sup> At the Hearing, the Court also considered two other motions for leave by professors seeking leave to file amicus briefs. *See Certification of Professor J. Maria Glover in Support of Motion for Leave to File Amici Curiae Brief* [ECF No. 1317]; *Memorandum of Law in Support of Motion by Dean Chemerinsky for Leave to File Amicus Curiae Brief* [ECF No. 1323].

<sup>2</sup> On February 11, 2022, our counsel filed a corrected Amicus Brief [ECF No. 1465], which was revised to add a reference to a list of the Amici Bankruptcy Professors and to attach such list as Exhibit A.

accord the Amicus Brief. The Amici Professors hereby respectfully submit this Declaration to aid the Court's deliberation.

**ADDITIONAL DISCLOSURE**

7. We and our counsel were the sole authors of the Amicus Brief.

8. We understand that a late draft of the brief was shared with Mr. Robert Stark of Brown Rudnick LLP, counsel to the Official Committee of Talc Claimants I. Aside from providing a citation to an article authored by Professor David Skeel of the University of Pennsylvania Law School, Mr. Stark provided no commentary to the draft. The article was ultimately referenced in footnote 65 of the Amicus Brief.

9. No person contributed any money that was intended to fund the preparation or submission of the Amicus Brief. Neither we nor our counsel have received any monetary or other compensation for preparing or submitting the Amicus Brief.

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Dated: Berkeley, CA  
February 17, 2022

Respectfully submitted,



Professor Kenneth Ayotte  
U.C. Berkeley School of Law

Dated: New York, NY  
February \_\_, 2022

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Professor Susan Block-Lieb  
Fordham University School of Law

Dated: Seattle, WA  
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Professor Diane Dick  
Seattle University School of Law

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Professor Yesha Yadav  
Vanderbilt University Law School

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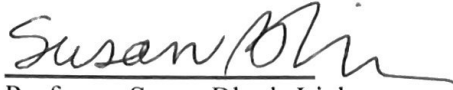
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